Supreme Court, U.S.
FILED

94 737 SEP 30 1994

No. _____

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1994

REV. JAMES O'LEARY, MINISTER OF DIOS
LA IGLESIA DE LAITIES, DE SACRED HOLY
SACRAMENTO - SACRAMENT.

PETITIONER

VS.

THE COUNTY OF SACRAMENTO - SACRAMENT

ET. AL. RESPONDENT

PETITION FOR EXTRAORDINARY WRIT
FROM THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT.

PETITION FOR EXTRAORDANARY WRIT BY
JAMES O'LEARY (REV.)
P.O. BOX 206, BROADRICK, CA. 95605
646-6030

24

QUESTION PRESENTED

THE PLAINTIFF ALEGES THE DEFENDANTS HAVE VIOLATED "BOTH" THE ESTABLISHMENT CLAUSE AND THE FREE EEXERCISE CLAUSE OF THE UNITED STATES CONSTITUTION, FIRST AMENDMENT. - 28 U.S.C.A. - SECTION 1331

THE SACRED HOLY BIBLE, WEBSTERS AND CASELLES DICTIONARY (QUOTE) DEFINES THE NAME "SACRAMENTO - SACRAMENT" AS ONE AND THE SAME. MEANING - " A SYMBOL OR SIGN OF THE GRACE OF GOD." - TO BE ORDAINED BY "JESUS CHRIST" IN CERTAIN RELIGIOUS RITES AND ACTS OF CERTAIN "CHRISTIAN RELIGIONS. NOT ALL RELIGIONS. (UNQUOTE)

THE DEFENDANTS BY MISUSING THE "HOLY SACRED NAME" "SACRAMENTO - SACRAMENT" ON THIER "SECULAR" MUNICIPAL SEALS ARE SHOWING "PREFERANCE" FOR CHRISTIANITY. UNCONSTITUTIONAL?

AND ALL OTHER "RELIGIONS" THAT USE HOLY SACRED SACRAMENTO - SACRAMENT

QUESTION PRESENTED

ISN'T THE COUNTY OF SACRAMENTO - SACRAMENT IN VIOLATION OF BOTH THE ESTABLISHED CLAUSE AND THE FREE EXERCISE CLAUSE OF THE UNITED STATES CONSTITUTION BY MISUSING AND INFEREING, THE SACRED HOLY SACRAMENTO - SACRAMENT NAME?

THE SACRED HOLY BIBLE, WEBSTER'S AND CASSELLS SPANISH DICTIONARY DEFINES THE "NAME" SACRAMENTO - SACRAMENT (ONE AND THE SAME) AS MEANING (QUOTE) A SYMBOL, ACT, RITE OR HOLY SACRED SIGN OF THE GRACE OF "GOD." IT MEANS TO BE "ORDAINED" BY "JESUS CHRIST" IN CERTAIN HOLY RELIGOUS RITES AND ACTS OF CERTAIN CHRISTIAN RELIGION RITES AND ACTS ONLY AND NOT ALL RELIGIONS. (UNQUOTE)

TO WHAT SACRED HOLY SACRAMENT0 - SACRAMENT IS THE SECULAR COUNTY OF SACRAMENTO "REFERING" TO BY MISUSING THE SACRED "HOLY" NAME OF SACRAMENTO - SACRAMENT ?

IS IT A "HOLY COUNTY" ? HAS IT EVER BEEN "ORDAINED" BY JESUS CHRIST OR ANY OTHER RELIGION? CAN ANY SECULAR COUNTY BE ORDAINED OR INFERED AS A SACRED HOLY CHRISTIAN RELIGION?

ISN'T THIS UNGODLY AND UNCONSTITUTIONAL?

TABLE OF CONTENTS

1. QUESTION PRESENTED FOR REVIEW
2. LIST OF PARTIES
3. TABLE OF AUTHORITIES
4. JURISDICTION
5. STATUTE INVOLVED
6. STATMENT OF THE CASE
7. CONCLUSION

PARTIES INVOLVED

COUNTY OF SACRAMENTO ET. AL.
EACH ENJOINING DEFENDANTS, EACH OF THEM , THIER AGENTS, SERVANTS, EMPLOYEES AND ALL PERSONS ACTING UNDER, OR INCONCERT WITH THE COUNTY OF SACRAMENTO.

DEFENDANTS

DIOS LA IGLESIA DE LAITIES
DE SACRED HOLY DE SACRAMENTO
REV. JAMES O'LEARY
P.O. BOX 206
BROADRICK, CA. 95605

PLAINTIFFS

TABLE OF AUTHORITIES

CASES

HARRIS VS. CITY OF ZION, 927 F. 2D 1401 (7TH. CIR. 1991) THE 7TH CIR. COURT OF APPEALS RULED - SECTARIAN IMAGERY HAS "NO" PLACE ON MUNICIPAL SEALS. (QUOTE)

HAL ROACH STUDIOUS, INC. VS. RICHARD FEINER & CO. (9TH CIR. 1990) 896 F. 2 D 1542, 1555 N. 19 THE COMPLAINT IS CONSTRUED IN THE LIGHT MOST FAVARABLE TO THE PLAINTIFF.

LEMON VS. KUTZMAN (1971) 403 U.S. 602, 91 S. CT. 2105 (1) MUST HAVE A SECULAR PURPOSE, (SACRAMENTO - SACRAMENT IS A SACRED HOLY RELIGION) (2) MUST NEITHER ADVANCE NOR INHIBIT RELIGION IN ITS PRINCIPAL OR PRIMARY EFFECT, (SACRAMENTO - SACRAMENT INFERES CHRISTIANITY AND "ORDAINED BY JESUS CHRIST.") (UNCONSTITUTIONAL)
(3) MUST NOT FOSTER AN EXCESSIVE ENTANGLEMENT WITH RELIGION. (UNLAWFUL USE OF "HOLY NAME" IS ENTANGLEMENT IN ITS SELF) (UNCONSTITUTIONAL)

JURISDICTION

FEDIRAL QUESTION - ESTAMBLISHMENT OF RELIGION CLAUSE OF THE FIRST AMENDMENT. 28 USCASEC. 1331

FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT THE PLANTIFF ALLEGES THAT THE VERY ORDER OF THE HONARABLE JUDGE LAWRENCE K. KARLTON (CHIEF JUDGE 9TH. D) ON MARCH 10/89 WAS IN AND BY ITSELF A VIOLATION OF THE PLAINTIFFS "FREE EXERCISE CLAUSE" BECAUSE IT IS IN AND BY ITSELF A "RELIGIOUS QUESTION" AND NOT WITHIN THE JURISDICTION OF THE HONARABLE COURT. THE ORDER REQUIRES FIRST A BOND OF $1450 AND THE LATEST ORDER REQUIRES A BOND OF $5000. THIS IS UNCONSTITUTIONAL OF THE PLAINTIFFS "FREE EXERCISE" OF RELIGIOUS BELIEFS. ESTABLISHMENT OF RELIGION - THE MERE USE OF THE NAME AND SYMBOL OF THE SACRAMENTO - SACRED HOLY SACRAMENT (ONE AND THE SAME) INFERES KTHAT IT IS OF THE SACRED HOLY RELIGION. IS THIS SEPARATION OF CHURCH AND STATE IN THE CONSTITUTION?? THE SECULAR " COUNTY OF SACRAMENTO - SACRAMENT IS NOT A" HOLY CHRISTIAN COUNTY AND AS A BRANCH OF GOVRONMENT CAN NEVER BE.

STATUT INVOLVED

THE PLAINTIFF ALLEGES THIS CASE INVOLVES A FEDERAL QUESTION OF EXCEPTIONAL IMPORTANCE TO THE UNITED STATES CONSTITUTION AND THE PLAINTIFFS SCARED HOLY RELIGIOUS CHRISTIAN RELIGION. (ORDAINED BY JESUS CHRIST)
THE UNITED STATES DISTRICT COURT (EASTERN CALIFORNIA) AND THE UNITED STATES COURT OF APPELAS (9TH CIRCUIT) "OPINION" DIRECTLY CONFLICKTS WITH A EXCISTING "OPINION" BY THE UNITED STATES COURT OF APPEALS (7) CIRCUIT COURT, AND "SUBSTANTIALY" AFFECTS A RULE OF NATIONAL UNIFORMITY. HARRIS VS. CITY OF ZION - 927 F. 2 D. 1401 7TH CIRCUIT COURT OF APPEALS RULED - SECTARIAN IMAGERY HAS NO PLACE ON MUNICIPAL SYMBOL OR SEALS. THE CONSTITUTION STATES THERE SHOULD BE "SEPARATION OF CHURCH AND STATE."

STATEMENT OF THE CASE

A. SUBJECT MATTER JURISDICTION IN THE DISTRICT COURT WAS BASED UPON 28 U.S.C. FIRST AMENDMENT. SECTION #1331 (ESTABLISHMENT OF RELIGION) FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT. THE PLAINTIFF ALLEGIS THE DEFENDANTS COMMITED "CONSPIRACY" TO DEPRIVE THE PLAINTIFF OF EQUAL PROTECTION OF THE LAWS, OR THE GRANTING OF EQUAL PRIVALAGES AND IMMUNITIES UNDER THE LAW. (14TH AMENDMENT - SECTION 1 - EQUAL PROTECTION) THE PLAINTIFF ALLEGES THERE IS A CONFILCT BETWEEN TWO DIFFERENT FEDERAL COURTS OF APPEALS. THE NINTH CIRCUIT DISAGREES WITH THE SEVENTH CIRCUIT, BECAUSE OF (QUOTE) SECTARIAN IMAGERY HAS "NO PLACE ON MUNICIPAL SEALS." (UNQUOTE) HARRIS VS. CITY OF ZION, 927 F. 2 D. 1401 7TH CIR. 1991

CONCLUSION

A SECULAR COUNTY GOVRONMENT MAY HAVE A HISTORY OF A SACRED HOL RELIGION, EVEN CERTAIN FAITH OR NO RELIGION AT ALL. BUT A SECULAR COMMUNITY CANNOT TAKE THE NAME OF ACTS OR RITES OF CERTAIN RELIGIONS AND INFERE THAT IT IS OF THAT CERTAIN RELIGION.

SACRAMENTO - SACRAMENT (ONE AND THE SAME BY "GODS" WILL) IS A SACRED HOLY RITE (CHRISTIAN) OF THE ROMAN CATHOLIC CHURCH AND A FEW "CERTAIN" OTHERS. (NOT ALL)

WHEN THE SECULAR COUNTY OF SACRAMENTO - SACRAMENT USES THE NAME AS ITS SYMBOL (SEAL) IT IS SECTARIAN RELIGIOUS IMAGERY AND AGAINST ALL OTHER RELIGIONS OR NONRELIGION?
THE PLAINTIOFF ALLEGES THIS CASE INVOLVESA FEDERAL QUESTION OF EXCEPTIONAL IMPORTANCE TO THE UNITED STATES CONSTITUTION AND THE PLAINIFFS SACRED HOLY RELIGIOUS BELIEFS. (ORDAINEBY JESUS CHRIST) THE UNITED STATES DISTRICT COURT (EASTERN CALIFORNIA) AND THE UNITED STATES COURT OF APPEALS (9TH) "OPINION" DIRECTLY CONFLICTS WITH A OPINION BY THE UNITED STATES COURT OF APPEALS (7TH) CIRCUT AND SUBSTANTIALLY AFFECTS A "RULE" OF NATIONAL UNIFORMATY - HARRIS VS. CITY OF ZION AND ROLLINGMEADOWS ILL. 927 F. 2 D. 1401 7TH CIR. 91.

FEDERAL QUESTION

ESTABLISHAMENT OF RELIGION CLAUSE OF THE FIRST AMENDMENT OF THE CONSTITUTION BY DEFENDANTS FIRST AMENDMENT 28 U.S.C.A. SECTION 1331

FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT OF THE CONSTITUTION. THE PLAINTIFF ALLEGES THE COURT ORDER OF HONARABLE LAWRENCE K. KARLTON WAS BY ITSELF A VIOLATION OF THE PLAINTIFFS "FREE EXECISE OF RELIGION."

THE PLAINTIFF ALLEGES THE USE OF THE HOLY SACRED NAME "SACRAMENTO - SACRAMENT" (ONE AND THE SAME) BY DEFENDANTS IS MISSLEADING (SHOWING) PREFERANCE FOR CHRISTIANITY AND TO BE "ORDAINED JESUS" (UNCONSTITUTIONAL)

CONCLUSION
FEDERAL QUESTION

THE FIRST AMENDMENT OF THE CONSTITUTION 28 USCA - ESTABLISHMENT OF RELIGOUS CLAUSE - IN USING THE SACRED HOLY NAME OF SACRAMENTO - SACRAMENT, THE COUNTY OF SACRAMENTO IS INFEREING THAT IT IS A "HOLY" COUNTY AND HAS BEEN "ORDAINED" BY JESUS CHRIST. SACRAMENTO SACRAMENT MEANS TO BE OF THE SACRED HOLY RELIGION AND BE ORDAINED IN THE SACRED HOLY SACRAMENTS. (UNCONSTITUTIONAL)

THE COURTS HAVE GRANTED FULL IMMUNITY FROM THE "LAW OF THE LAND" TO THE DEFENDANTS BECAUSE THEY CALIM THEY CAN USE THE "LORDS" NAME IN VAIN BECAUSE OF TRADITION. "GOD AND JESUS" HAS BEEN INTO TRADITIONALISM MUCH LONGER THAN THE COUNTY OF SACRAMENTO. THE COUNTY OF SACRAMENTO HAS BEEN INTO SECTARIANISM SINCE ITS CREATION. CAN THEY HAVE IT BOTH WAYS.

THE PLAINTIFF PRAYS THIS HONARABLE COURT TO STOP THE COUNTY FROM MISUSING THE "LORDS NAME IN VAIN" AND RETURN TO THE "PRINCIPALITY" OF "GOD AND JESUS" BECAUSE NO GOVRONMENT NOT BUILT ON THE "PRINCIPALITY OF GOD AND JESUS" WILL NEVER SUCCEED.

"GOD BLESS ALL"

James O Leary

INTENTIONALLY LEFT BLANK

JAMES O'LEARY REV.
P.O. BOX 206
BROADRICK, CA 95605

THE MISUSE, MUTILATION AND DISTORTION BY THE COUNTY OF "SACRAMENTO" USING A SACRED HOLY SACRAMENT - SACRAMENTO NAME FOR A SECULAR COUNTY GOVERNMENT IS UNCONSTITUTIONAL AND VIOLATES THE RIGHT OF PRIVACY OF THE PLAINTIFFS IN THIER SACRED HOLY CHRISTIAN RELIGION BY MISREPRESENTANTION OF THIER SACRED HOLY CHRISTIAN RELIGION. THE SECULAR COUNTY OF SACRAMENTO - SACRAMENT REPRESENTS UNCONSTITUTIONAL ENDORSMENTS OF PARTICULAR RELIGOUS SACRED HOLY FAITH OF CHRISTIANITY AND THE ROMAN CATHOLIC CHURCH. DEFENDANTS USE OF THE SACRED HOLY NAME "SACRAMENTO" IS A SECTARIAN DISPLAY AND ENDORSES AND PROMOTS THE SACRED HOLY CHRISTIAN FAITH.

JAMES O'LEARY (REV.)
P.O. BOX 206
BROADRICK, CA 95605

"CONCLUSION"

THIS ACTION IS PROPERLY MAINTAINED AS A CLASS ACTION IN AS MUCH AS THE QUESTIONS OF THE LAW AND FACT COMMON TO MEMBERS OF THE CLASS PREDOMINATE OVER ANY QUESTIONS AFFECTING ONLY INDIVIDUAL MEMBERS, AND A CLASS ACTION IS SUPERIOR TO OTHER AVAILABLE METHODS FOR THE FAIR AND EFFICENT ADJUDICATION OF THE CONTROVERCY. IN SUPPORT OF FOREGOING ALLEGATIONS, PLAINTIFF SHOWS AS FOLLOWS:
THE CLAIMS OF PLAINTIFF, WHO IS A REPRESENTATIVE OF THE CLASS HEREIN ARE TYPICAL OF THE CLAIMS OF THE CLASS, IN THAT THE CLAIMS OF ALL MEMBERS OF THE CLASS, INCLUDING PLAINTIFF, DEPEND ON A SHOWING OF FACTS AND OMMISIONS OF DEFENANTS GIVING RISE TO THE RIGHT OF PLAINTIFF TO THE RELIEF SOUGHT HEREIN. THERE IS NO CONFLICT AS BETWEEN ANY INDIVIDUAL NAMED PLAINTIFF AND OTHER MEMBERS OF THE CLASS WITH RESPECT TO THIS ACTION, OR WITH RESPECT TO THE CLAIMS FOR RELIEF HEREIN SET FORTH.
THE PLAINTIFF ALLESES THIS CASE INVOLVES A CLASS ACTION OF EXCEPTIONAL IMPORTANCE TO THE UNITED STATES CONTITUTION AND THE PALINTIFFS SACRED HOLY CHRISTIAN RELIGION. (SACRAMENTO - SACRAMENT - TO BE ORDAINED BY "JESUS CHRIST") AND NOT THE SECULAR COUNTY OF SACRAMENTO - SACRAMENT (THE ONE AND THE SAME ?)
PLAINTIFFD AND THE CLASS IT REPRESENTS HAVE BEEN HARRASSED UNDER THE DIRECTION OF THE DEFENDANT AND DEPRIVED OF THIER CONSTITUIONAL RIGHTS OF FREDOM OF MOVEMENT. RIGHT TO ESTABLISH A CHURCH, PROFESSION AND CONDUCT A BUSINESS IN THE COUNTY OF SACRAMENTO. THE PLAINTIFFS PRAY FOR A DECLARITORY JUDGEMENT THAT THE ENFORCMENT ACTIVITIES OF THE DEFENDANTS ARE IN VIOLATION OF THE SPIRIT AND INTENT OF THE LAW. FOR AN AWARD IN AN AMOUNT WHICH THE COURT DETERMINS IS SUFFICENT TO PUNISH AND MAKE AN EXAMPLE OF DEFENDANTS . HAVE THE PLAINTIFFS LOST THIER CITIZENSHIP BECAUSE THEY HAVE BEEN UNLAWFULLY DECLAIRED "VEXATIOUS LITIGANTS" ? THIS IS NOT REASON ENOUGH FOR THE DEFENDANTS TO TREAT THE PLAINTIFFS AS SECOND CLASS CITIZENS AND DEPRIVE THEM OF THIER CONSTITUTIONAL RIGHTS. THE PLAINTIFFS PRAY FOR A DECLARATORY AND A PRELIMINARY INJUCTION BECAUSE THE OVERT ACTIVITIES OF THE DEFENDANTS ARE IN VIOLATION OF 42 USC 1983, 1985 AND 1986.

APPENDIX

JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 93-15767
CT/AG#: CV-91-01246-EJG

JAMES O'LEARY
PLAINTIFF - APPELLANT

V.

COUNTY OF SACRAMENTO
DEFENDANT - APPELLEE

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO)

THIS CAUSE CAME TO BE HEARD ON THE TRANSCRIPT OF THE RECORD FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO) AND WAS DULLY SUBMITTED.

ONCONSIDERATION WHEREOF, IT IS NOW HERE ORDERED AND ADJUDGED BY THIS COURT, THAT THE JUDGEMENT OF THE SAID DISTRICT COURT IN THIS CASE BE, AND HEREBY AFFIRMED.

FILED MARCH 28, 1994

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAMES O'LEARY
PLAINTIFF - APPELLANT

V.

COUNTY OF SACRAMENTO
DEFENDANT - APPELLEE

NO. 93-15767
D.C. NO, CV-91-01246-EJG

MEMORANDUM*

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA. EDWARD J. GARCIA, DISTRICT JUDGE, PRESIDING.

SUBMITTED FEBRUARY 22, 1994**

BEFORE: SCHROEDER, CANBY AND WIGGINS, CIRCUIT JUDGES.

ON REMAND FROM THIS COURT, JAMES O'LEARY APPEALS PRO SE THE DISTRICT COURT'S DISMISSAL OF HIS ACTION PURSUANT TO FE. R. CIV. O. 12(b) (1) AND 12(b) (5). O'LEARY ALLEGED THAT THE COUNTY SEAL OF THE SACRAMENTO VIOLATES THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT BECAUSE IT CONTAINS THE WORD "SACRAMENT." 1/ WE HAVE

---

* THIS DISPOSITION IS NOT APPROPRIATE FOR PUBLICATION AND MAY NOT BE CITED TO OR BY THE COURTS OF THIS CIRCUIT EXCEPT AS PROVIDED BY 9TH CIR. R. 36-3

** THE PANAL UNANIMOUSLY FINDS THIS CASE SUITABLE FOR DECISION WITHOUT VERBAL ARGUMENT. FED. R. APP. P. 34(A); 9TH CIR. R. 34-4 ACCORDINGLY, O'LEARY'S REQUEST FOR ORAL ARGUMENT IS DENIED.

1/ THE DISTRICT COURT INITIALLY DISSMISSED O'LEARY'S ACTION FOR FAILURE TO STATE A CLAIM PURSUANT TO RULE 12(B) (6). THE COURT ADDRESSED THE MERITS OF O'LEARY'S CONSTITUTIONAL CHALLANGE TO COUNTIES USE OF THE NAME SACRAMENTO IN ITS OFFICIAL SEAL. ON APPEAL, THIS COURT REVERSED THE DISTRICT COURT'S DECISION AND REMANDED THE CASE, HOLDING THE DISTRIC COURT ERRED BY (CONTINUED NEXT PAGE)

JURISDICTION UNDER 28 U.S.C. 1291, AND WE AFFIRM. SPECIFICALLY, IN HIS AMENDED COMPLAINT, O'LEARY ALLEGED THAT THE COUNTY OF SACRAMENTO ("COUNTY") USE OF THE SACRED HOLY NAME (SACRAMENTO) ON THIER COUNTY SEALS HAVE CAUSED HIM TO SUFFER ANGER, SHAME, FRIGHT, HUMILIATION, MENTAL ANGUISH, EMOTIONAL DISTRESS AND PHYSICAL DISTRESS, "FORCING HIM TO GO" 'UNDERGROUND' WITH HIS CHRISTIAN RELIGION." THE DISTRICT COURT FOUND THAT O'LEARY LACKED STANDING TO ASSERT HIS CLAIM BECAUSE HE FAILED TO DEMONSTRATE (1) ANY DIRECTION OR PERSONAL CONTACT WITH COUNTY'S OFFICAIL SEAL," OR (2) HOW HE IS PERSONALLY AFFECTED BY THE COUNTY'S USE OF THE NAME "SACRAMENTO."

WE REVEIWED DE NOVO THE DISTRICT COURTS HOLDING REGARDING STANDING. RESOURCES LTD. V. ROBERTSON, 8 F. 3D 1394, 1397 (9TH CIR. 1993)
"THE FEDERAL COURT LACKS POWER TO MAKE DECISION UNLESS THE PLAITIFF HAS SUFFERED AN INJURY IN FACT, TRACEABLE TO THE CALLANGED ACTION, AND LIKLY TO BE REDRESSED BY A FAVORABLE DECISION. SNAKE RIVER FARMERS' ASSOC. V. DEPARTMENT OF LABOR, 9 F. 3d 792, 795 (9TH CIR. 1993) THE PARTY SEEKING JURISDICTION BEARS THE BURDEN OF ALLEGING FACTS SUFFICENT TO ESTABLISH STANDING. FW/PBS. INC. V. CITY OF DALLAS, 493 U.S. 215, 231 (1990). "(T)HE IRREDUCIBLE CONSTITUTIONAL MINIMUM OF STANDING CONTAINS THREE ELEMENTS:" (1) INJURY IN FACT; (2) CAUSATION; AND (3) REDRESSABILITY. LUJAN V. DEFENDERS OF

(CONTINUED FROM PREVIOUS PAGE)
DECIDED CONSTITUTIONAL ISSUES BEFORE DETERMINING WETHER (1) O'LEARY HAD STANDING TO RAISE HIS CLAIM, AND (2) THE DISTRICT COURT HAD JUISDICTION OVER THE COUNTY IN LIGHT OF THE ALLEGED INSUFFICIENT SERVICE OF PROCESS.

WILDLIFE, 112 S, CT. 2130, 2136 (1992). AN INJURY IN FACT IS "AN INVASION OF A LEGALLY-PROTECTED INTEREST WHICH IS (A) CONCRETE AND PARTICULARIZED, AND (B) ACTUAL OR IMMINENT, NOT COJECTURAL OR HYPOTHETICAL. " ID. (QUOTATIONS OMMITED) CAUSATIONS REQUIRES THAT THE INJURY BE "FAIRLY TRACEABLE TO THE CHALLANGED ACTION OF THE DEFENDANT, AND NOT AS A RESULT OF THE INDEPENDANT ACTION OF SOME THIRD PARTY NOT BEFORE THE COURT." ID. (QUOTATION OMMITED)

HERE, ALTHOUGH O'LEARY ALLEGES THAT HE HAS SUFFERED INJURIES DUE TO THE COUNTY'S USE OF THE NAME "SACRAMENTO" HE FAILS TO ALLEGE ANY FACTS DEMONSTRATING CAUSATION. O'LEARY DOES NOT ALLEGE ANY SPECIFICE CONTACT WITYH THE COUNTY'S SEAL OR PRECISLY HOW THE COUNTY'S SEAL HAS CASUED HIM TO GO 'UNDERGROUND' THIS THE PRACTICE OF HIS RELIGION OR TO SUFFER PHYSICAL AND EMOTIONAL DISTRESS. SEE ID. ; SNAKE RIVER FARMERS, 9 F 3d at 795-98. ACCORDINGLY, THE DISTRICT COURT DID NOT ERR BY DISMISSING O'LEARY'S ACTION FOR LACK OF STANDING. /2 AFFIRMED

(JULY 28, 1994)

2/ because we hold that the distrcit court properly dismissed o'leary's action for lack of standing , we do not address the court's dismissal on the alternative ground of insufficiency of service of process.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

(FILED JULY 20, 1994. CATHY A. CATTRESON, CLERK, U.S. COURT OF APPEALS)

JAMES O'LEARY	NO. 93-15767
VS.	D.C. NO. CV-91-01246-EJG
COUNTY OF	EASTERN CALIFORNIA
SACRAMENTO	(SACRAMENTO)
	ORDER

BEFORE: SCHROEDER, CANBY AND WIGGINS
CURCUIT JUDGES

THE PANEL HAS VOTED TO DENY APPELLANT'S PETITION FOR REHEARING AND TO REJECT THE SUGGESTION FOR A REHEARING EN BANC. THE FULL COURT HAS BEEN ADVISED OF THE SEGGESTION FOR REHAERING EN BANC AND NO ACTIVE JUDGE HAS REQUESTED A VOTE ON WHETER TO REHEAR THE MATTER EN BANC. FED. R. APP. P. 35. THE PETITION FOR REHEARING IS DENIED AND SUGGESTION FOR REHAERING EN BANC IS REJECTED.

THE COURT FINDS THAT THE COMPLAINT CONCERNING THE NAME "SACRAMENTO" FILED BY THE PLAINTIFFS CONSTITUTES AN ATTEMPT TO RELITIGATE THE VALIDITY OF THE COURTS FINAL DETERMIONATION IN PRIOR CASES. ACCORDINGLY, THE COURT HOLDS THAT AS FAR AS THAT SUBJECT MATTER IS CONCERNED, PLAINTIFFS ARE VEXATIOUS LITIGANTS AND MAKES THE FOLLOWING ORDER:

BEFORE FILING ANY DOCUMENTS OR CASES CONCERNING A FIRST AMENDMENT CHALLANGE TO THE NAME "SACRAMENTO," ANY OF THE ABOVE MENTIONED PLAINTIFFS SHALL GIVE SECURITY BY POSTING A BOND IN THE AMOUNT OF ONE THOUSAND FOUR HUNDRED FIFTY DOLLARS ($1450), TO BE USED FOR PAYMENT OF SUCH COSTS AND DAMAGES AS MAY BE INCURRED OR SUFFERED BY ANY PARTY AS A RESULT OF FURTHER DOCUMENTS PRESENTED TO THE COURT BY PLAINIFFS.

PLAINTIFFS ARE WARNED THAT FURTHER ACTIONS ON THEIR PART REFLECTING DISRESPECT FOR THE COURT'S PROCESS AND ORDERS MAY CONSTITUTE CONTEMPT. THE COURT WILL NOT HESITATE TO ACT AS NESSESARY TO COMPEL OBEDIENCE TO ITS ORDERS AND TO VINDICAQTE ITS AUTHORITY.

IT IS SO ORDERED

DATED MARCH 10, 1989

/S/ LAWRENCE K. KARLTON
LAWRENCE K. KARLTON,
CHIEF JUDGE
UNITED STATES
DISTRICT COURT

(ARTICAL, GOVERNING MAGAZINE)

COURT SEALS THE FATE OF ONE TOWN'S SYMBOL
BY JEAN PONESSIA

REIGION CAN BE A PART OF A TOWN'S HISTORY, COMMINITY OR EVEN ITS NAME, BUT IT NEEDS TO STAY OFF THE CITY SEAL. THAT'S WHAT A FEDERAL APPEALS COURT RULED WHEN IT DECLARED UNCONSTITUTIONAL THE SEALS OF TWO NORTHEASTERN ILLINOIS TOWNS. "SECTARINA RELIGIOUS IMAGRY SIMPLY HAS NO PLACE ON MUNICIPAL SEALS." A 7TH U.S. CIRCUIT COURT OF APPEALS SAID.
IN THE CASE OF ZION ILL. A TOWN OF 19,000, THE SEAL INCLUDES A CROSS AND A BANNER THAT READS "GOD REIGNS". THE SEAL WAS USED BY A RELIGOUS COMMUNITY THAT FOUNDED THE TOWN IN THE 1800'S.
FORMER ZION MAYOR ADELINE GEO KARIS, WHO IS ALSO A STATE SENITOR SAYS THE SEAL HAS BEEN USED FOR YEARS WITHOUT STIFILING RELIGOUS DIVERSITY. RELIGION IS PART OF THE HISTORY OF

(ARTICAL CONTINUED, ADDITONAL TEXT NOT AVAIL AT THIS TYPING)

(SACRAMENTO BEE 1/12/93)
SUPREME COURT TURNS DEAL EAR TO VEXATIOUS LITIGANT O'LEARY

WASHINGTON - WHATS IN A NAME. IF YOUR JAMES O'LEARY THERES NOTHING SHORT OF A CONSTITUTIONAL BREACH IN THE USE OF THE NAME CALIFORNIA'S CAPITAL. O'LEARY, WHO BECAME RENOWNED FOR ITS CONSTANT DISPUTES WITH THE CITY OVER HIS RUNDOWN HOMES AND BOATS, HAD CLAIMED THE USE OF THE SACRAMENTO NAME ON CITY SEALS VIOLATED THE CONSTITUTIONAL SEPARATION OF CHURCH AND STATE. HE SAID THE CITY IS SHOWING ITS PREFERANCE FOR CHRISTIANITY BY USING THE NAME SACRAMENTO BECAUSE IT MEANS SACRAMENT A SIGN OR SYMBOL OF THE GRACE OF GOD.
HE TOOK HIS CASE ALL THE WAY TO THE U.S. SUPREME COURT. BUT THE COURT REFUSED TO HERE HIS APPEAL MONDAY.
O'LEARY 80 COULD NOT BE REACHED FOR COMMENT BUT THE BREIF HE HAD WRITTEN SAID SACRAMENTO AND WEST SACRAMENTOS USE OF THE NAME IN THIER SEALS IS EVIDENCE THEY ARE TRYING TO ESTABLISH RELIGION BY GOVERNEMT BY MSILEADING.
THE RAMBLING BREIF RECOUNTS HIS VARIOUS RUNOINS WITH CITY OFFICIALS FROM THE BURNING OF HIS WORLD WAR II MINE SWEEPER THE SEAMILL. TO THE BULLDOZING OF HIS RUN DOWN HOMES. ALNOG THE WAY OLEARY HAS FILED SO MANY SUITS AGAINST THE CITY THAT U.S. DISTRICT JUDGE LAWRENCE KARLTON DECLARED OLEARY A "VEXATIOUS LITIGANT" IN 1989 AND REQUIRED HIM TO PAY $1450 TO APPEAL . O'LEARY PAID THE MONEY AND APPEALED TO THE SUPREME COURT. BUT THE CITY ATTORNEY'S OFFICE SAID HE STARTED TO APPEAL TO SOON.
THE CITY ATTORNEY'S OFFICE SAID O'LEARY HAD TO TAKE HIS CASE US AGAIN WITH THE DISTRICT COURT - RATHER THAN APPEAL TO SUPREME COURT. EVEN THOUGH HE HAS LOST HIS BID IN SUPREME COURT. O'LEARY CAN STILL HAVE HIS DAY IN COURT. ITS JUST NOT IN THE HIGHEST COURT IN THE LAND.

(SACRAMENTO UNION ARTICAL, 1/12/93)
THE SEAL OF APPROVAL
CURMUDGEON LOSES FIGHT OVER CITY'S NAME

THE CAPITAL OF CALIFORNIA? THE ANSWER AMOUNTS TO FIGHTING WORDS FOR JAMES O'LEARY, WHO MONDAY FAILED TO GET THE SUPREME COURT TO DECLAIR SACRAMENTO'S NAME UNCONSTITUTIONAL WHEH USED ON THE CITY'S SEAL.
THE COURT WITHOUT COMMENT MONDAY REJECTED O'LEARY'S ARGUMENT THAT THE NAME UNLAWFULLY BETRAYESA "PREFERANCE FOR CHRISTAINITY" AND OTHER RELIGIONS THAT USE SACRAMENTS IN THE EXERCISE OF THEIR BEILIEFS. A FEDERAL TRAILA JUDGE AND THE 9TH U.S. CIRCUIT COURT OF APPEALS PREVIOUSLY HAD REJECTED O'LEARY'S CHALLANGE WHICH ALSO TARGETED THE CITY OF WEST SACRAMENTO. IN A RAMBLING, APPARENTLY SELF TYPED APPEAL 80 YEAR OLD RESIDENT OF BRODRICK AND FORMER SACRAMENTAN URGED THE JUSTICES TO SEE THINGS HIS WAY. HE SIGNED OFF BE STATING GOD BLESS ALL. (ARTICAL CONTINUES)

JAMES O'LEARY
P.O. BOX 206
BROADRICK, CA.
95605

SUPREME COURT OF UNITED STATES
OFFICE OF THE CLERK

DIOS LA IGLESIA DE LAITIES,
RE. JAMES O'LEARY
PLAINTIFF

VS.

COUNTY OF SACRAMENTO ET. AL.
DEFENDANT

_____/

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY.
SO HELP ME GOD

Served defendant
10/20/94

SIGNED

James O'Leary